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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,586	04/09/2004	Albert B. Barabas	11811-006002	1971
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EXAMINER				
TO, BAOQU'OC N				
ART UNIT		PAPER NUMBER		
2162				
NOTIFICATION DATE		DELIVERY MODE		
04/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/821,586

Applicant(s)

BARABAS ET AL.

Examiner

BAOQUOC N. TO

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/20/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24-61 and 68-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 and 24-51 is/are allowed.
- 6) ☒ Claim(s) 57-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/20/2009 has been entered.

Claims 1, 5-17, 19-22, 24, 27-28, 32, 36, 38-39, 45, 52-54, 57-59, 61, 68-70, 72 and 75-76 are amended.

Claims 23 and 62-67 are canceled.

Claims 1-22, 24-61 and 68-83 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 57 and 68 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: physical article or object.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 57-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Vartti et al. (Patent No. 5,678,026).

Regarding on claim 57, Vartti discloses a physical article or object bearing instructions to cause a processor to

Execute a job requiring access to a region of a database that is persistently maintained on a physical storage medium, the job including instructions and pointers to data in the region of the database (parallel priority queues are employed for parallel handling storage lock functions...) (col. 3, lines 44-48),

the job that is executed being selected from queue of jobs identified by an index, the jobs in the queue being in contention to write data to the region of the database, the index distinguishing the queue of jobs from other queues of jobs that do not have need to write into the region of the database (parallel priority queues are employed for parallel handling storage lock functions...) (col. 3, lines 44-48).

Regarding on claim 58, Vartti disclose the physical article or object of claim 57 which the database comprises item of data comprise objects in an object database (memory store object) (col. 3, lines 31-33).

Regarding on claim 59, Vartti discloses the physical article or object of claim 57 in which the database includes data items that are provided as objects to an object-oriented application (operation) (col. 3, lines 45-48).

Regarding on claim 60, Vartti discloses the physical article or object of claim 57 in which the database comprises an objected relational broker provides persistent storage of objects for an object-oriented application (memory store object) (col. 3, lines 31-33).

Regarding on claim 61, Vartti discloses the data is stored in a relational database with object-oriented extensions (memory store object) (col. 3, lines 31-33).

Regarding on claim 68, Vartti discloses a method comprising:

Maintaining a database persistently stored on a physical storage medium, the database providing primary level of guarantee that data items written in a request transaction is not lost once the transaction is committed (parallel priority queues are employed for parallel handling storage lock functions...) (col. 3, lines 44-48),

Partition the database into regions based on characteristics of the items of data (each of the memory has a regions to be accessed by more than one processor) (col. 3, lines 44-48),

Receiving tasks from the task source for concurrent execution by multiple processors, at least some of the tasks being in contention to write data into one region of the database having conflicting requirements to write into the same region of the database (parallel priority queues are employed for parallel handling storage lock functions...) (col. 3, lines 44-48),

Providing a software mechanism that guarantees, at least to the primary level of guarantee, that the tasks will be executed without loss of any of the data items, by translating each task into jobs, each job needing to write data in no more than one of the regions of the database (parallel priority queues are employed for parallel handling storage lock functions...) (col. 3, lines 44-48).

Regarding on claim 69, Vartti discloses the method of claim 68 in which the data items of the database that comprise object in an object database (memory store object) (col. 3, lines 31-33).

Regarding on claim 70, Vartti discloses the method of claim 68 in which the data items that are provided as objects to an object-oriented application (operation) (col. 3, lines 45-48).

Regarding on claim 71, Vartti discloses the method of claim 70 in which an object relational broker provides persistent storage of objects-oriented application (operation) (col. 3, lines 45-48).

Regarding on claim 72, Vartti discloses the method the data items are stored in a relational database with object-oriented extensions (operation) (col. 3, lines 45-48).

Regarding on claim 73, Vartti discloses the method sending to the task source acknowledgement of acceptance of the task (operation) (col. 3, lines 45-48).

Regarding on claim 74, Vartti discloses the method of claim 68 also including sending to the task source a notification after completion of the accepted task (completion of the lock) (col. 3, lines 44-48).

Regarding on claim 75, Vartti discloses the method of claim 68 in which the jobs that are executed by different ones of the multiple processors in a manner that prevents any actual conflict between jobs a conflict upon complete execution of all tasks (col. 3, lines 44-48).

Regarding on claim 76, Vartti discloses the method of claim 68 in which the jobs are subject to a synchronization mechanism that enables a determination of the completion of a task (synchronize) (col. 4, line 42).

Regarding on claim 77, Vartti discloses the method of claim 76 in which the synchronization mechanism includes a tag that identifies a job as participating in a group of jobs (synchronize) (col. 4, line 42).

Regarding on claim 78, Vartti discloses the method of claim 76 in which the synchronization mechanism includes a quorum fraction that represents the job's proportion of participating in the group (synchronize) (col. 4, line 42).

Regarding on claim 79, Vartti discloses the method of claim 77 also including determining whether the quorum fractions of all of the jobs of a group add to a complete quorum (write lock completion) (col. 3, lines 44-48).

Regarding on claim 80, Vartti discloses the method of claim 75 in which the task is notified of completion when all of the jobs have been completed (write lock completion) (col. 3, lines 44-48).

Regarding on claim 81, Vartti discloses the method of claim 75 in which the task is assigned to a contention space (col. 3, lines 44-48).

Regarding on claim 82, Vartti discloses the method of claim 75 in which the completion notification jobs are assigned for execution in the same contention space as the task (col. 3, lines 44-48).

Regarding on claim 83, Vartti discloses the method of claim 68 in which the database comprises an object-oriented database (col. 3, lines 44-48).

Allowable Subject Matter

5. Claims 1-22, 24-51 are allowed over prior art made of record.

The following is an examiner's statement of reasons for allowance:

As to claim 1, examiner agrees with applicant's argument that "None of Hapner, Cheriton, Somani, or Fleischman, alone or in combination, described or would have made obvious the features of claim 1."

Claims 2-22, 24-51 are depended on claim 1; therefore, claims 2-22 and 24-51 are allowed under the same reason as to claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-

mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162